

Application No. 10/814,436
Reply to Office Action dated December 19, 2006

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 3A-3C. These sheets, which include Figs. 3A-3C, replace the first replacement sheets including Figs. 3A-3C.

Attachment: Replacement Sheets

REMARKS

This is a Response to the Office Action mailed December 19, 2006, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 19, 2007. A fee for a one (1) month extension is due by way of this amendment.

Twenty-five (24) claims, including one (1) independent claim, were paid for in the application. Upon entry of this Amendment, new claims 28-31 have been added; claim 27 has been cancelled; and claims 1, 3, 5-10, 12, 13, 15, 17, 18, 20-23, 25, 26 and 28-31 are pending. No fee for additional claims is due by way of this Amendment.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Amendments to the Drawings

Figures 3A-3C have been amended. Figures 3A-3C show an embodiment having a cap layer (18), an open mesh material intermediate layer (17), and a layer of adhesive interposing the cap layer and intermediate layer. Applicants have amended Figures 3A-3C to label the intermediate layer with the reference numeral 17. Support for the amendment can be found at page 5, lines 26, of the original specification, which recites: "An alternate embodiment, as shown in Figures 3a-3b, addresses these problems by utilizing an intermediate open mesh material located between the solid film label (cap) and tire."

Applicants have also amended Figures 3A-3C to label the adhesive layer between the cap layer (18) and the intermediate layer (17) with the reference numeral 14, as shown in the original Figure 3C.

Applicants have also amended Figure 3A to include the caption "Before Press On" and Figure 3B to include the caption "After Press On" as shown in the original Figures 3A and 3B.

No new matter has been added by way of these amendments.

Amendments to the Specification

Among other things, Applicants have amended the specification to replace some instances of the phrase “face stock 10” with the phrase “intermediate layer 17” in the description of Figures 3A-3C.

No new matter has been added by way of these amendments.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3, 5-10, 12, 13, 15, 17, 18, 20-23 and 25-27 stand rejected under U.S.C. § 103(a) for allegedly being unpatentable over U.S. Publication 2005/0059308 by Parsons (hereinafter “Parsons”), individually or collectively with alleged admissions in Applicants’ specification concerning the prior art.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). **“All words in a claim must** be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” (Emphasis added.) See, MPEP 2143.03.

Claim 1 recites, *inter alia*, a woven polyester mesh label face stock; an adhesive carried by the label face stock … **a second portion** of the first side of the label face stock **being substantially free of the adhesive to form a pull tab.**” Applicants have carefully read Parsons and Applicants’ specification including the section entitled, “BACKGROUND OF THE INVENTION” (hereinafter “BACKGROUND”), and Applicants have been unable to locate a reference for, or suggestion for, a “pull tab” in either Parsons or Applicants’ BACKGROUND. Thus, Applicants respectfully submit that Parsons and Applicants’ BACKGROUND, apparently fail, individually and collectively, to disclose, teach, or suggest the aforementioned limitation. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue.

See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn.

For at least the reasons provided above, Parsons and BACKGROUND do not singly, or in any motivated combination, teach or suggest the claimed features of the independent claim 1. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, dependent claims 3, 5-10, 12, 13, 15, 17, 18, 20-23 and 25-27, which depend directly or indirectly from independent claim 1, are allowable for at least the reason that Parsons and BACKGROUND fail, individually and collectively, to disclose, teach, or suggest, the claimed limitations.

New Claims

Independent claim 28 and dependent claims 29 and 30, which depend from claim 28, have been added.

Claim 28 recites, *inter alia*, “a cap layer; an open woven mesh material intermediate layer separated from the cap layer; a first layer of adhesive carried between a first side of the cap layer and a first side of the intermediate layer ... wherein some adhesive from the first layer of adhesive passes through the openings of the intermediate layer when the tire label is pushed onto a surface of a tire.

Applicants respectfully submit that the cited references fail to disclose at least an intermediate layer having openings through which adhesive passes through when the label is pressed onto a tire.

Conclusion

In light of the above amendments and remarks, Applicants respectfully submit all pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. Examiner Zirker is encouraged to contact Mr. Ringer by telephone to discuss the above and any other distinctions between the

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claims and the applied reference, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Ringer by telephone to expediently correct such informalities.

Respectfully submitted,

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EMR:wt

Enclosure:

2 Sheets of Replacement Drawings (Figs. 3A-3C)

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